

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

SUE EVERS, *et al.*,

Plaintiffs,

vs.

Civ. No. 06-00292 MV/LAM

BOARD OF COMMISSIONERS OF
TORRANCE COUNTY, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

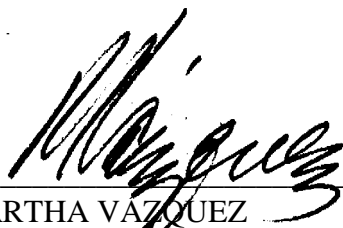
THIS MATTER comes before the Court on Plaintiffs' Motion in Limine to Admit Evidence of Specific Instances of Mark Satterfield's Conduct, filed January 28, 2008, [Doc. No. 232]. In their motion, Plaintiffs assert that Mark Satterfield 1) gave untruthful deposition testimony in this case and 2) once destroyed a citation as a favor to a friend. Plaintiffs seek the admission of these two incidents at trial as relevant to Mark Satterfield's credibility. Notably, Plaintiffs do not provide any evidence in support of their assertions. In fact, the evidence submitted by County Defendants in response to this motion wholly refutes Plaintiffs' contention that Mark Satterfield gave untruthful deposition testimony and demonstrates that Mark Satterfield was cleared by an independent investigator of any wrong-doing in the citation incident.

The Court is concerned that Plaintiffs' counsel filed a motion asserting facts that are unsupported by the evidence in the record. *See* Fed. R. Civ. P. 11 (b)(3) (by signing a motion, counsel represent that they are presenting to the court only factual contentions that have evidentiary support.). In addition, Plaintiffs' counsel did not obtain Defendants' position on the

motion prior to filing as required by local rule. *See* D.N.M.LR-Civ. 7.1(a). As noted by County Defendants, if Plaintiffs had done so, the parties would have had the opportunity to discuss the support, or lack thereof, for Plaintiffs' motion prior to it being filed. At this time, the Court will decline to impose any sanctions but Plaintiffs are hereby on notice that the Court will not tolerate any further violations of Court rules.

IT IS THEREFORE ORDERED that Plaintiffs' Motion in Limine to Admit Evidence of Specific Instances of Mark Satterfield's Conduct, filed January 28, 2008, [Doc. No. 232], is **DENIED**.

DATED this 30th day of September, 2008.



MARTHA VAZQUEZ
Chief District Court Judge

Attorneys for Plaintiff:

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